

Exhibit 34

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Message

From: Trevor Shaffer-Figueroa [tshafferfigueroa@wayfair.com]
Sent: 8/29/2019 9:03:38 PM
To: Trevor Shaffer-Figueroa [tshafferfigueroa@wayfair.com]
Subject: Emily Forsythe

matt whitey "absolutely amazing" - matt didn't know about these issues and has been wonderful

Never intended to share these notes but felt the need to keep them

worked with mike in the past - "I hired mike at Amazon" - felt embarrassed because she hired him.

First three months were good. 90 day review was thorough but at that point he began getting defensive (changed dynamic)

A few months later asked to xfer teams. Interviewed for an L5 w/ Genaro. Genaro declined to move forward w/him.

In January working on a project in Perris - frequently would have "meltdown moments" and needed to be walked off the ledge (what can I do to help sort of convo)

One incident in Perris sitting across the table from one another and toward end sitting in chair moved close and put hand on thigh - became very uncomfortable and intimidated - scooted back and he didn't advance - acted like it didn't phase her. Came to agreement that tone of emails should change and mike agreed that he was happy with working relationship.

A few weeks of good vibes. A causal hike after work and nothing transpired.

In March he began to become unhappy again and was focused on tasks not assigned to him. Having another difficult conversation (in boston) and mike wanted to switch teams. Stayed in his chair and scooted and got really close and legs were touching - scooted back (didn't say anything).

Next day reached out to Genaro due to L4 opening in ops. Genaro approved xfer (day after) Mike asked if they could spend time together after work (drinks or dinner) and said he would prefer to spend time together when they weren't on the same team. Agreed due to strained friendship/working relationship.

Toward the end of the month mike canceled the dinner and said it was due to him having new work assigned to him.

In April xferred to Ops. Noticed now that he wasn't on the same team Mike started sending "aggressive" emails for things she wasn't responsible for answering (why aren't you doing these things). Not really emily's responsibility and was also CC-ing his entire work group. Embarrassing her by including huge distro including L6+

Working in Perris with a group and everyone else left the room and Mike asked to speak to Emily and Matt alone. Mike started complaining that Emily needed to "get out of building" - throwing under the bus in front of Matt. Matt asked Emily to leave the room because Matt felt the tone and conversation was inappropriate. She states Matt was "handling the situation the right way". - Never been in that position before and found it uncomfortable.

Emails continued or next several months. PM placed in Mike's building. Jim has answers to the questions being asked but Mike was still making her look bad. Tried not to engage but feels mike has a very aggressive

EXHIBIT

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Last month was eating at a table in front of TM office wearing a pokadot shirt. Mike staring at shirt. Mike reached out and touched buttons (w/out reasonable explanation).

Hey Mike I'm leaving, please address questions to Jim. Mike was acting as though everything was going well. Asked if had a boyfriend still (no). Asked if had any dating apps (answered no, casually). Asked wouldn't it be funny if we ended up together (yeah that would be funny - awkwardly). Let's hang out (no, maybe next time).

Emily left and emails started up again.

Last week in Perris - stressful week. Invited himself to a meeting and refused to leave. Jim pulled her aside and said mike is actively trying to sabotage her. No interactions since.

Mike McDole - Accused

Emily Fortsythe - Complainant

Jim Lowe - Witness (Industrial Engineering)

Brittany Skaggs - Witness

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TREVOR SHAFFER-FIGUEROA
Senior Manager - Talent Management

WAYFAIR
Wayfair LLC - Perris Building 2
3300 Indian Ave.
Perris, CA 92571
United States
P: 951-449-7253 | M: 904-704-1913
tshafferfigueroa@wayfair.com



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